

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMMIE COLLIER,

Plaintiff,

Case No. 23-cv-11675

Honorable Linda V. Parker

v.

DAN BOWLING, et al.

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S REPORT
AND RECOMMENDATION, DATED MARCH 26, 2025, AND DISMISSING
PLAINTIFF’S CLAIMS AGAINST DEFENDANT NOKES WITHOUT
PREJUDICE**

On July 13, 2023, Plaintiff commenced this lawsuit against several Defendants. Only Defendant Nokes remains. Plaintiff’s claims against all other Defendants were previously dismissed. (See ECF No. 5.) The matter has been assigned to Magistrate Judge Anthony P. Patti for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF Nos. 11, 14.)

Defendant Nokes filed a motion for summary judgment on November 21, 2024. (ECF No. 18.) Magistrate Judge Patti ordered Plaintiff to file a response by January 31, 2025. (ECF No. 20.) As of today’s, Plaintiff has not filed a response.

In fact, Plaintiff has taken no action in this case since early December 2023, and mailings to him have been returned generally as undeliverable because he failed to keep the court apprised of his current mailing address, despite being informed of his responsibility to do so. (*See* ECF No. 4 (citing E.D. Mich. LR 11.2).) As a result, on March 26, 2025, Magistrate Judge Patti issued a Report and Recommendation (R&R) recommending that the Court dismiss Plaintiff's claims against Defendant Nokes without prejudice pursuant to Federal Rule of Civil Procedure 41(b) and Eastern District of Michigan Local Rule 41.2. (ECF No. 23.)

At the conclusion of the R&R, Magistrate Judge Patti advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. Magistrate Judge Patti further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with Magistrate Judge Patti's conclusion that Plaintiff's claims against Defendant Nokes should be dismissed pursuant to Rule 41(b) and Local Rule 41.2. The Court, therefore, adopts the R&R.

Accordingly,

IT IS ORDERED that Plaintiff's claims against Defendant Nokes are
DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil
Procedure 41(b) and Eastern District of Michigan Local Rule 41.2.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: April 16, 2025

I hereby certify that a copy of the foregoing document was mailed to counsel of
record and/or pro se parties on this date, April 16, 2025, by electronic and/or U.S.
First Class mail.

s/Aaron Flanigan
Case Manager